

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2003 NB 0026

STATE OF INDIANA,

Petitioner,

v.

NANCY LAVERNA GARNER, R.N.,

License Number: 28102403A,

Respondent.

FILED

APR 28 2004

HEALTH PROFESSIONS
BUREAU

FINDINGS OF FACT AND ORDER

The Indiana State Board of Nursing ("Board"), held a final administrative hearing on April 15, 2003 in the Auditorium of the Conference Center, Indiana Government Center South Building, 302 West Washington Street, Indianapolis, Indiana, concerning a disciplinary complaint filed against Nancy Laverna Garner, R.N. ("Respondent").

The State of Indiana was represented by Deputy Attorney General Sara R. Matticks. The Respondent did not appear and was found in default by a vote of 9-0-0. The Board proceeded with a hearing to determine whether disciplinary action should be taken against Respondent's nursing license.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 9-0-0, issues the following Findings of Fact and Order:

FINDINGS OF FACT

1. A final hearing was scheduled in this cause on February 19, 2004.
2. Proper notice of the date time and place of the final hearing was sent to 117 West Market Street, Jeffersonville Indiana, 47130, Respondent's address on file with the board.

3. Respondent did not appear for the hearing February 19, 2004.
4. On March 8, 2004, the Board issued a Notice of Proposed Default to Respondent by certified mail which Respondent signed acknowledging receipt on March 22, 2004.
5. Respondent has not timely responded to the notice of default in accordance with Indiana Code § 4-21.5-3-24.
6. Respondent is in default.
7. On or about February 26, 2003, the Health Professions Bureau received information that Respondent's Kentucky license to practice nursing was temporarily suspended on grounds Respondent is unfit to practice nursing.
8. On or about September 19, 2002, Respondent reported to the Commonwealth of Kentucky Board of Nursing (Kentucky Board) that she suffers from depression, which affects her job performance and requested the Board investigate whether she is competent to practice nursing.
9. On or about September 27, 2002, the Kentucky Board received information from Respondent's employer, Norton Healthcare-Audubon Hospital, that Respondent exhibited bizarre and suicidal behavior and may be unfit to practice nursing.
10. On or about February 19, 2003, Respondent appeared for a pre-hearing conference before the Kentucky Nursing Board. Respondent became upset, hostile and aggressive. The police were called after Respondent attempted to physically assault a member of the Kentucky Nursing Board.
11. On or about February 20, 2003, the Kentucky Nursing Board issued an "Order of Immediate Temporary Suspension" ordering Respondent to cease and desist

from the practice of nursing. In March 2003, the Indiana State Board of Nursing also issued a "Summary Suspension." Both Boards also ordered Respondent to submit to a complete mental health evaluation.

12. After being suspended from practice by both the Indiana and Kentucky Boards, Respondent submitted to a psychological evaluation.

13. The evaluation reveals Respondent suffers from severe psychological disturbance, severe borderline personality disorder and is not mentally fit to practice. Respondent has been previously diagnosed with major depression and identity dissociative disorder.

14. Finding that Respondent is unable to practice with reasonable skill and safety and has engaged in negligent nursing practice, the Kentucky Board of Nursing issued a final order on February 9, 2004, placing Respondent's Kentucky nursing license on indefinite suspension.

ULTIMATE FINDINGS OF FACT

1. Respondent's conduct constitutes a violation of Indiana Code 25-1-9-4(a)(4)(C) in that Respondent continued to practice although unfit to practice due to physical or mental disability.

2. Respondent's conduct constitutes a violation of Indiana Code § 25-1-9-4(a)(7) in that She has been disciplined in another jurisdiction on grounds similar to those under Indiana Code § 25-1-9-4(a)(4)(C).

ORDER

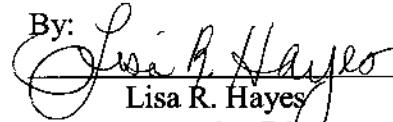
Based upon the above Findings of Fact, the Board issues the following Order:

1. Respondent's Indiana registered nurse license is placed upon **INDEFINITE SUSPENSION**. Respondent may not petition for reinstatement for a period of **ONE (1) YEAR** from the date this order is issued.

2. As a **CONDITION PRECEDENT** to reinstatement Respondent must provide evidence satisfactory to the Board that she is competent to practice with reasonable skill and safety, including a current mental health evaluation, performed by a Board certified psychiatrist, no more than sixty (60) days prior to requesting reinstatement.

SO ORDERED, this 28th day of April, 2004.

INDIANA STATE BOARD OF NURSING

By: 
Lisa R. Hayes
Executive Director
Health Professions Bureau

Copies to:

Nancy Laverna Garner, R.N.
820 French Street, Apartment 12
Jeffersonville, IN 47130
CERTIFIED MAIL #7002 2410 0002 4111 3891
RETURN RECEIPT REQUESTED

Deputy Attorney General Sara R. Matticks
OFFICE OF THE INDIANA ATTORNEY GENERAL
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204-2770



Pamela W. Popp
Direct 513/455-7653 Fax 513/455-8500 E-mail pwp@gdm.com

April 20, 2004

Kristen Kelley
402 W. Washington Street, Room W041
Indianapolis, IN 46204

RE: New Contact Information

Dear Kristen:

Please allow this letter to update you regarding your contact information for me. I have recently moved to Greenebaum Doll & McDonald's Cincinnati, Ohio office. My new contact information is as follows:

Pamela W. Popp, Esq.
Greenebaum Doll & McDonald PLLC
2800 Chemed Center
255 East Fifth Street
Cincinnati, OH 45202

Direct Dial: 513/455-7653
Fax: 513/455-8500
E-mail: pwp@gdm.com

Assistant: Debbie Krohman
Direct Dial: 513/455-7640
Direct Fax: 513/762-7940
E-mail: dm2@gdm.com

RECEIVED

APR 26 2004

Health Professions Bureau

Please update your information accordingly and please do not hesitate to contact me with any questions. Thank you.

Sincerely,

Pam

Pamela W. Popp

PWP/dak